

ESTTA Tracking number: **ESTTA653900**Filing date: **02/04/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	miha bodytec GmbH		
Entity	Gesellschaft mit beschränkter Ha	Citizenship	Germany
Address	Siemensstr. 1 Gersthofen, 86368 GERMANY		

Correspondence information	Thomas J. Moore BACON & THOMAS, PLLC 625 Slaters Lane, Fourth Floor Alexandria, VA 22314-1176 UNITED STATES mail@baconthomas.com Phone:703-683-0500
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Registrations Subject to Cancellation

Registration No	4636336	Registration date	11/11/2014
Registrant	Bodi Wulian Technology Co Ltd 6/F Tianji Building, Tian'an Cyber Park Shenzhen, CHINA		

Goods/Services Subject to Cancellation

Class 009. First Use: 2013/10/01 First Use In Commerce: 2014/02/01

All goods and services in the class are cancelled, namely: Air analysis apparatus; Computer operating programs; Computer operating software; Diagnostic apparatus for testing food; Eye glasses; Mobile phones; Pedometers; Reconfigurable processors for use in wireless communication handsets and network equipment in the field of wideband communications; Temperature sensors used in the medical field to measure temperature of medical solutions; Weighing apparatus and instruments

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)		
Registration No	4636337	Registration date	11/11/2014
Registrant	Bodi Wulian Technology Co Ltd 6/F Tianji Building, Tian'an Cyber Park Shenzhen, CHINA		

Goods/Services Subject to Cancellation

Class 010. First Use: 2013/10/01 First Use In Commerce: 2014/02/01

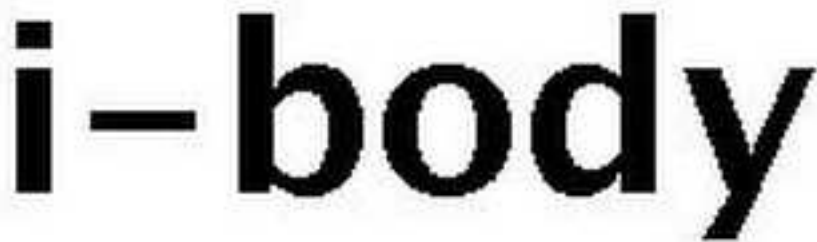
All goods and services in the class are cancelled, namely: Apparatus for blood analysis; Blood testing apparatus; Clinical thermometers; Electric massage appliances, namely, electric vibrating massager;

Medical apparatus and instruments for treating cardiovascular disease; Medical diagnostic apparatus, analytical apparatus for medical purposes and blood pressure measuring apparatus; Physical rehabilitation, physical therapy and sports medicine equipment all designed specifically for medical use, namely, shoulder stretcher using resistance cables; Pulse meters; Sanitary masks for virus isolation purposes; Sanitization units for stethoscopes

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	79150926	Application Date	05/07/2014
Registration Date	NONE	Foreign Priority Date	12/13/2013
Word Mark	I-BODY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use: First Use: 0 First Use In Commerce: 0 Rehabilitation apparatus for stimulating body parts using electric current or for electro-muscle stimulation for medical purposes; medical physical exercise and physiotherapy apparatus, for stimulating body parts using electric current or electro-muscle stimulation; clothing specially adapted for stimulating body parts using electric current and/or for measuring biological parameters, namely pulse, heart rate, blood pressure, blood oxygen levels, body temperature, electrical resistance of the body or body parts, or body weight or fat level, for medical purposes, namely, trousers, vests, belts, armbands, leg bands, and socks, all being equipped with electrodes for electrostimulation for the muscles</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, trousers, vests, belts, wrist bands, garters, and socks, being equipped with electrodes for electro-stimulation of the muscles and/or for determining biological parameters, namely pulse, body temperature, electrical resistance of the body or body parts, body weight, fat level of the body or body parts, heart rate, blood pressure or blood oxygen levels, not for medical purposes; sportswear, namely, t-shirts and sports trousers, being provided to be worn underneath electrodes for electro-stimulation of the muscles or for determining biological parameters, namely pulse, body temperature, electrical resistance of the body or body parts, body weight, fat level of body or body parts, heart rate, blood pressure, or blood oxygen levels, not for medical purposes</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0 Sports apparatus for stimulating body parts using electric current or for electrostimulation of the muscles, namely, apparatus for applying electric energy to the human body in order to cause muscle contractions, electric massage apparatus, vibrating apparatus used in fitness to stimulate muscles and increase strength and physical performance, electrical stimulation belts for strengthening</p>		

	abdominal muscles; exercise apparatus for stimulating body parts using electric current or for electro-muscle stimulation, namely apparatus for applying electric energy to the human body in order to cause muscle contractions, electric massage apparatus, vibrating apparatus used in fitness to stimulate muscles and increase strength and physical performance, electrical stimulation belts for strengthening abdominal muscles
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Attachments	79150926#TMSN.png(bytes) 2015-02-04 signed Petition for Cancelation of 4636336.pdf(1020577 bytes) 2015-02-04 signed Petition for Cancelation of 4636337.pdf(1011311 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Thomas J. Moore/
Name	Thomas J. Moore
Date	02/04/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

miha bodytec GmbH,

Petitioner,

v.

Bodi Wulian Technology Co Ltd.,

Respondent

Cancellation No. _____

PETITION FOR CANCELATION

miha bodytec GmbH, having an address of Siemensstr. 1, 86368 Gersthofen, Germany (referred to as "Petitioner" below), believes that it would be damaged by the continued registration of the mark described below, and hereby petitions for cancellation of the same for the reasons stated below.

U.S. Registration No.:	4636336
Date of Registration:	Nov. 11, 2014
Mark:	ibody

1. The subject registration described above is owned by Bodi Wulian Technology Co Ltd., having an address of 6/F Tianji Building, Tian'an Cyber Park, futian District, Shenzhen, China (referred to as "Respondent" below).

PETITION FOR CANCELLATION

U.S. Registration No. 4636336

2. The subject registration covers the trademark ibody (with stylized features) for goods in Class 9 (referred to as the "subject trademark" below), based on an alleged use of the mark in commerce since February 1, 2014, which registration has priority of the filing date, March 14, 2014.
3. Petitioner owns U.S. Application No. 79150926 of the mark ibody (with stylized features) for goods in Classes 10, 25 and 28 based on International Registration No. 1213469 which has priority of December 13, 2013 (referred to as the "Petitioner's Registration" below).
4. Since a date long before the earliest date on which Respondent may claim any rights in the subject trademark or any colorable imitation thereof, Petitioner (including any and all predecessors in interest and related companies of Petitioner) has used in commerce Petitioner's Trademark by at least constructive use since the priority date.
5. The subject trademark consists of and comprises a mark which so resembles Petitioner's Trademark, previously used in the United States by Petitioner (including any and all predecessors in interest and related companies of Petitioner) and not abandoned, as to be likely, when used on or in connection with the goods of the subject registration to cause confusion, and to cause mistake, and to deceive.

PETITION FOR CANCELLATION
U.S. Registration No. 4636336

6. Petitioner would be injured by the continued registration of the subject trademark.

WHEREFORE, Petitioner requests that the present cancellation be sustained and that the subject registration be canceled.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: 703-683-0500
Fax: 703-683-1080
E-mail: mail@baconthomas.com

Date: FEB. 4, 2015

Respectfully submitted,



Thomas J. Moore
Attorney for Petitioner

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of RN4636336.wpd

PETITION FOR CANCELLATION
U.S. Registration No. 4636336

POWER OF ATTORNEY

Petitioner hereby appoints Eugene Mar, Richard E. Fichter, Thomas J. Moore, Felix J. D'Ambrosio, and John R. Schaefer, all with Bacon & Thomas, PLLC (address stated below) as applicant's attorneys with full powers of association, substitution and revocation, to transact all business in the U.S. Patent and Trademark Office associated with the present petition. Please send all correspondence by email to mail@baconthomas.com to the extent possible. Please address all correspondence sent by mail as follows:

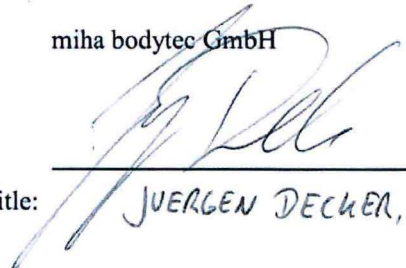
Thomas J. Moore
BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176

Respectfully signed,

miha bodytec GmbH

Date: FEB. 3, 2015

Name and Title:


JUERGEN DECKER, CEO

mihabodytec
miha bodytec GmbH
Siemensstr. 1, D-86368 Gersthofen
Tel: +49(0)821 4554 92-0
info@miha-bodytec.de

PETITION FOR CANCELLATION
U.S. Registration No. 4636336

CERTIFICATE OF SERVICE


The undersigned hereby certifies that a copy of this document is being served on Respondent by mailing it by first class U.S. mail on the undersigned date addressed to Respondent's correspondence address as shown in the online TSDR database available at the web site of the U.S. Patent and Trademark Office, in accord with 37 C.F.R. §2.101(a), as follows:

SHIRLEY
NANSHAN DISTRICT
RM 402 BUSINESS SECTION A SHENNAN GARDEN
SHENZHEN
CHINA

and by email to Respondent's correspondence email address as shown in the online TSDR database available at the web site of the U.S. Patent and Trademark Office, as follows:

shirleylulan@gmail.com info@rzlawyer.com

Date: FEB. 4, 2015


Thomas J. Moore

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5. The subject trademark consists of and comprises a mark which so resembles Petitioner's Trademark, previously used in the United States by Petitioner (including any and all predecessors in interest and related companies of Petitioner) and not abandoned, as to be likely, when used on or in connection with the goods of the subject registration to cause confusion, and to cause mistake, and to deceive.

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Phone: 703-683-0500
Fax: 703-683-1080
E-mail: mail@baconthomas.com

Date: FEB. 4, 2015

Respectfully submitted,



Thomas J. Moore
Attorney for Petitioner

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Thomas J. Moore
BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176

Respectfully signed,

miha bodytec GmbH

Date: FEB. 3, 2015

Name and Title:

JUERGEN DECKER, CEO

mihabodytec
miha bodytec GmbH
Siemensstr. 1, D-86368 Gersthofen
Tel: +49(0)821 4554 92-0
info@miha-bodytec.de

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U.S. Registration No. 4636337

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this document is being served on Respondent by mailing it by first class U.S. mail on the undersigned date addressed to Respondent's correspondence address as shown in the online TSDR database available at the web site of the U.S. Patent and Trademark Office, in accord with 37 C.F.R. §2.101(a), as follows:

SHIRLEY
SHENNAN WEST ROAD, NANSHAN
RM 402 BUSINESS SECTION A SHENNAN GARDEN
SHENZHEN
CHINA

and by email to Respondent's correspondence email address as shown in the online TSDR database available at the web site of the U.S. Patent and Trademark Office, as follows:

shirleylulan@gmail.com info@rzlawyer.com

Date: FEB. 4, 2015

Thomas J. Moore

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